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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,109	05/10/2001	Christopher David Hancock	06576.105033-MS No.171311	5809

			EXAMINER
45979	7590	09/07/2006	NGUYEN BA, PAUL H

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ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/853,109	HANCOCK, CHRISTOPHER DAVID
	Examiner	Art Unit	
	Paul Nguyen-Ba	2176	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 August 2006*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-10 and 12-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 4-10, 12-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

8/21/2006 has been entered.

2.   Claims 1, 2, 4-10, 12-20 have been considered. Claims 1, 9, and 17 are

independent claims.

Response to Arguments

3.   Applicant's arguments filed 8/21/2006 with respect to the newly amended subject

matter has been fully considered but is not persuasive.

Applicant contends that the styles used by QuarkXPress are all "native" to

QuarkXPress and were created for and/or created using QuarkXPress. Specifically,

Applicant contends that QuarkXPress contains no teaching or suggestion of using styles

imported from a word processing software application.

Upon further careful consideration, Examiner respectfully disagrees.

QuarkXPress / Multi Style II imports styles from a word processing software application

by selecting the formatted layout and copying the style over to the Multi Style II module

for subsequent use in creating the web page (see pg. 4 – steps 1 and 2). This is

advantageous in facilitating layout jobs by minimizing the number of repetitive actions

required by a user.

Thus, the styles used by QuarkXPress / Multi Style II are not "native" to

QuarkXPress, but are actually copied or imported from a word processing software

application as further described in the expanded rejection of independent claims 1, 9,

and 17 below (see also further evidential documentation regarding Multi Style II made of

record on form PTO-892).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 1, 2, 4-10, 12-20 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over <u>**Microsoft Word ® 2000**</u> **("Word"),** *Microsoft Corporation,*

Copyright © 1983-1999, in view of Extensis BeyondPress 4.0 / Multi Style II

(hereinafter "QuarkXPress"), QuarkXPress, pgs. 1-4 (*available at*

www.qmedia.co.za/beyondpress.htm *via* **HotBot search engine (criteria: before**

5/10/2001)).

6.   **Examiner Note:** The following relevant sections of the Microsoft Word ® 2000

Help manual are submitted to applicant: *About places to save Web pages* pgs. 1-14

(hereinafter "Section I"), *About templates* pgs.1-6 (hereinafter "Section II"), *About*

formatting text using styles pgs. 1-7 (hereinafter "Section III").

Screenshots from Word are also submitted to applicant in Figures 1-21.

Regarding Independent Claim 1, Word teaches a method and computer-

readable medium for *creating a web page in the environment of a word processing*

module comprising the steps of:

selecting a template while using the word processing software module (see

Section II, pg. 2 - *Locating templates*; see also Figs. 1, 2, and 3. User may select a

template while using the Word processor), *the template operable for storing styles* (see

Section II - *Overview of templates*, pg. 1. A template determines the basic structure for

a document and stores document settings such as AutoText entries, fonts, key

assignments, macros, menus, page layout, special formatting, **and styles**; see also

Figs. 4 and 5);

associating the template with a style group (see Fig. 5 and 6; Section III, pgs. 2,

3, and 5 → In the **Styles** box, click on the style you want to apply. If the style you want

is not listed, select another group of styles in the **List** box. Or you can preview and

apply different styles by using the **Style Gallery**), the style group operable for storing

styles that provide a format for creating the web page (see generally Section III - What

is a style?, pg. 1);

selecting the styles from the template (see Figures 13, 16 and 17);

defining attributes for the selected styles, the attributes operable for identifying

characters used in the web page (see Figure 6. The user can define various attributes

such as "style type, based on, and style for following paragraph," etc.); and

importing the selected styles into the style group (see Figs. 16-18. The selected

styles are imported to the markup language software module by selecting the "copy"

button.);

storing the style group for subsequent use in creating the web page (see Figs. 7

and 8. "Save As" a Document Template).

Word does not explicitly teach "belonging to a markup language software

module". In other words, Word does not explicitly teach an express intermediate

module for the word processor to web page conversion process.

Word also does not explicitly teach newly amended limitations: "selecting the
styles from the _associated_ template" and "_accessing the selected styles from the
associated template by the markup language software module_".

However, QuarkXPress teaches a markup language software module (Multi Style
II) for automatically converting documents (including all styles) into perfect HTML web
pages (see pg. 1 (bullets 1 and 6) and pg. 3 (bullet 1 and Figure)). Furthermore,
QuarkXPress teaches accessing selected styles from layout or word processing
programs and storing these accessed styles from the word processing software
application in the Multi Style II modules for subsequent use (see pgs. 3 and 4; see also
additional documentation regarding Multi Style II made of record on form PTO-892).

Since both references are from the same field of endeavor, the motivational
purpose of instantly and automatically converting documents and corresponding styles
to perfect HTML web pages and facilitating layout jobs by minimizing the number of
repetitive actions as disclosed by QuarkXPress would have been recognized in the
pertinent art of Word. It would have been obvious at the time the invention was made to
a person having ordinary skill in the art to modify the teaching of Word with the
teachings of QuarkXPress to include an intermediate markup language module that
accesses the selected styles from the associated template.

Regarding claims 2 and 10, Word further teaches naming the style group within
the markup language software module (see Figs. 13-16 → renaming the style group

from ZZZZZ to AAAAA); and locating the template associated with the style group (see

Figures 12 and 13 → locate the saved ZZZZZ_template by selecting "Organizer").

Word does not explicitly teach accessing a markup language module or selecting

a style group from within the markup language software module. However,

QuarkXPress teaches a markup language software module for automatically converting

documents (including all styles) into perfect HTML web pages (see pg. 1 (bullets 1 and

6) and pg. 3 (bullet 1 and Figure)).

Since both references are from the same field of endeavor, the motivational

purpose of instantly and automatically converting documents and corresponding styles

to perfect HTML web pages as disclosed by QuarkXPress would have been recognized

in the pertinent art of Word. It would have been obvious at the time the invention was

made to a person having ordinary skill in the art to modify the teaching of Word with the

teachings of QuarkXPress to include an intermediate markup language module.

Regarding Claims 4 and 12, Word further teaches defining instructions for the

style group, the instructions operable for providing information about the web page (see

Figs. 12 and 13 → i.e. Header, Footer, E-mail Signature, Envelope Address, Document

Map, etc.).

Regarding Claims 5 and 13, Word further teaches *customizing a file header*

(see Figs. 6, 7, 12, 13, 16-18 → i.e. Headers and Headings).

Regarding Claims 6 and 14, Word further teaches *customizing the body of the web page* (see Figs. 12 and 13 → i.e. Default Paragraph Font, E-mail Signature, Hyperlink, etc.).

Regarding Claims 7 and 15, Word further teaches *referencing macros with the style group* (see Figs. 19 and 20).

Regarding Claims 8 and 16, Word teaches computer-executable instructions for performing the steps recited in claim 1 (see discussion of independent claim 1 above).

Regarding Independent Claim 9, a method for creating a markup language document with a word processing software module…storing the second template, incorporates substantially similar subject matter as independent claim 1, and is rejected along the same rationale.

Regarding Independent Claim 17, With respect to independent claim 17, refer to the rationale relied upon to reject independent claims 1 and 9. Furthermore, Word teaches a computer-implemented system for creating markup language documents comprising: *a server computer and a client coupled to the server computer* (see Fig. 21 → about using your setting on another computer via a server).

Regarding Claim 18, Word further teaches the use of *style groups to store format information for the markup language documents* (see Figs. 5, 6, 12, 16, and 17 → i.e. paragraphs, headers, etc.).

Regarding Claim 19, said claim incorporates substantially similar subject matter as claims 5 and 13, and is rejected along the same rationale.

Regarding Claim 20, said claim incorporates substantially similar subject matter as claims 7 and 15, and is rejected along the same rationale.

Conclusion

7.   The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094. The examiner can normally be reached on 11 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PNB
9/2/06

WILLIAM BASHORE
PRIMARY EXAMINER